

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. 5:19-cv-00834-DAE
)	
v.)	
)	
JOHN DOE infringer using)	
IP address 70.121.72.191,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME WITHIN WHICH IT HAS
TO SERVE DEFENDANT WITH A SUMMONS AND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Amended Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 70.121.72.191 (“Defendant”) on July 15, 2019, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff’s copyrighted works, all without Plaintiff’s consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff’s copyrighted works. *See id.*

2. On July 23, 2019, Plaintiff filed its Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference [CM/ECF 5] and on August 12, 2019, Plaintiff was granted leave to serve a third-party subpoena on Defendant’s ISP, Charter Communications, Inc., to obtain the Defendant’s identifying information [CM/ECF 7]. Plaintiff issued the subpoena on August 13, 2019 and expects to receive the ISP’s response on or about December 27, 2019.

3. Upon receipt of the subscriber's identifying information, Plaintiff will conduct an investigation to determine if the subscriber is indeed the infringer.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant by no later than October 13, 2019. Because the Defendant's identity remains unknown to Plaintiff, Plaintiff is unable to comply with the current service deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until at least forty-five (45) days, after it expects to receive the ISP's response, or until February 10, 2020. The additional time will permit Plaintiff to obtain the ISP's response, conduct its investigation, amend the complaint and effectuate service.

6. Plaintiff files this Motion to in good faith to enable to proceed with its lawsuit while maintaining compliance with all applicable rules.

7. This motion is not filed for any improper purposes, such as to delay, and Plaintiff's requested extension will neither prejudice the Court nor the parties.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant with a summons and Amended Complaint be extended until February 20, 2020. A proposed order is attached for the Court's convenience.

Dated: October 14, 2019

Respectfully submitted,

By: /s/ Paul S. Beik
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on October 14, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik
PAUL S. BEIK